

FILED

JUN 14 2012

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA**

**CLERK U.S. BANKRUPTCY,
ORLANDO DIVISION**

In re: Ralph N Sweet, debtor

**Ch 13- 03271
Honorable Judge Jenneman**

VERIFIED ADVERSARY COMPLAINT

COMES NOW, the debtor, Ralph N Sweet and avers as follows:

- 1) That on or about November 8, 1996 the plaintiff married then Donna J Rahill hereinafter known as "defendant" Donna J Sweet.
- 2) That Mr. Sweet at all times prior to the marriage he was in the construction and real estate business, married and raised 6 children until the sudden passing of his wife Marilyn A. Sweet of 37 years.
- 3) That upon her demise Mr. Sweet retained his family home and other financial assets and at all times since her passing maintained his own financial independence by purchase and renovations of small properties.
- 4) That Donna J Rahill came into the marriage from a newly divorced status bringing no assets with her to the marriage of Mr. Sweet except a motor vehicle.
- 5) Shortly thereafter now "defendant" Donna J Sweet began to isolate Mr. Sweet from his family and eventually moved themselves to the state of Florida from Rhode Island in about 2000.
- 6) The plaintiff and defendant had a pre-nuptial agreement whereas the plaintiff would continue to preserve his financial future with his premarital assets and construction rehabs but would maintain a residence for the parties in which to live and the defendant would pay property taxes and utilities and keep the rest of her pension for her own financial security. (please note the defendant's pension is approximately \$3,600.00). The parties have had separate accounts and debts throughout their relationship together.
- 7) Sometime in 2008 Mr. Sweet purchased with his own money a piece of land and a mobile home at Evans Road in Coleman, Florida. He proceeded to renovate the mobile home and subdivide that property on which he built a 2500 square foot home, this subdivision now known as the "Crate-Mill Evans Road Development Project".

- 8) That sometime in June 2010 the defendant vacated the plaintiffs "Crate-Mill Evans Road Development Project", and moved into her own place renting a place located at 2910 Orange Rd in Coleman, Florida.
- 9) The parties are at present in divorce proceedings in the Sumter County of Florida.
- 10) On or about June 23, 2010 Mr. Sweet attempted to seek a protective order against Mrs. Sweet in fear of what she may do to him or damage his property. That request was denied. Stating Mr. Sweet's claims were conclusory and non-conclusive and had no basis for objective reasonable fear of imminent harm, and so was denied.
- 11) On June 25, 2012 Mrs. Sweet reappeared at Mr. Sweets home and assaulted Mr. Sweet.
- 12) Mrs. Sweet went to the same court on June 28, 2010 and ironically received a protective order.
- 13) In fact there were orders then placed against both parties.
- 14) That complaint is at present being addressed by the State Attorneys Office, in charging Mrs. Sweet for the assault against Mr. Sweet.

COUNT I

RECOVER MONEY UNDER 454

- 15) The plaintiff re-alleges and incorporates by reference the allegations in 1 through 14 of this complaint.
- 16) The family court at that time awarded temporary use of Mr. Sweets domicile residence to Mrs. Sweet and then allowed Mrs. Sweet to collect from Mr. Sweets rental the rent proceeds in the amount of \$500.00 per month to be paid to Mr. Sweet on the first of each and every month.
- 17) Upon the separation of the parties it was then realized that Mrs. Sweet was in fact re-moving funneling Mr. Sweet's money from one account into her own new account. And running a discover credit card of Mr. Sweets debt which appears to be the preparation of her new dwelling. Those records are not available at present.
- 18) Mrs. Sweet has failed to pay Mr. Sweet those proceeds from his rental property only sporadically since August 2010 and in fact has failed to pay Mr. Sweet any of his rental proceeds since November 2011, only then in the amount of \$145.00.

- 19) With no where else to turn, with no home that he just built with all his life savings and his rental income being diverted from Mrs. Sweet. Mr. Sweet was left only with a pension and social security in the amount of \$1090.00 and was forced to file in this honorable court a petition for protection under the bankruptcy code.

WHEREFORE, the debtor prays that the defendant be ordered to make an accounting of all accounts in her name in since 1996 upon the marriage between them to aid in the recovery of any and all Mr. Sweets funds diverted from Mr. Sweet, further this court order a forensic accounting of Mr. Sweets Evans Road Mobile home Rental income to Donna J Sweet from June 2010 till present.

COUNT II

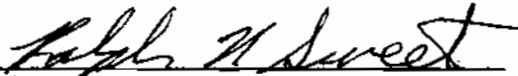
RECOVER PROPERTY UNDER 454

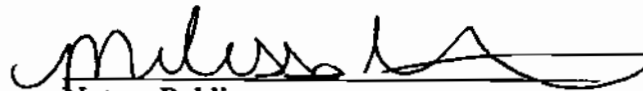
- 20) the plaintiff's property the "Crate-Mill Evans Road Development Project" is in control of the defendant, Donna J Sweet, by temporary possession awarded in the family court matter.
- 21) That in addition to Mr. Sweet not receiving his rental income from Mrs. Sweet she has abandoned the property to wit Mr. Sweets domicile, 4753 Crate Mill Road and Evans Road, the mobile home rental property of Mr. Sweet. See Attached emails of neighbors.
- 22) That all the property has been empty since at least May 22, 2012 and deteriorating as shown in the attached pictures.
- 23) That Mr. Sweet being a self made contractor and maintaining, developing the property should be allowed to regain control of his property and repair and rent his property as he has in the past.
- 24) The assets of the debtor, Mr. Sweet's estate are deteriorating all to the detriment of Mr. Sweet financial state.
- 25) It is unknown at this time if the property is insured sufficiently to cover Mr. Sweet's assets from destruction deterioration or loss from the elements of hurricanes.
- 26) It is unknown if the defendant is current on the payment of the taxes of the property.

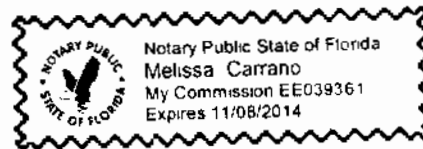
WHEREFORE, the plaintiff debtor, Ralph N Sweet, be returned possession and allowed to return to his "Crate Mill Evans Road Development Project". Further, be allowed to collect his rent manage repair and maintain his property as he always had prior to Mrs. Sweet vacating the his property in June 2010.

VERIFICATION OF COMPLAINT

I, Ralph N Sweet, hereby declare that I have prepared the foregoing complaint and the facts herein are true and correct to the best of my knowledge.


Ralph N Sweet, debtor

 6/13/12
Notary Public



EXA

From: kasweet@cox.net
Subject: Just came in - dad's house is empty been for a while
Date: 05/03/2012 07:06 AM
To: ralphnsweet@gmail.com
CC: KevinSr@KevinESweet.net

Begin forwarded message:

From: Carolyn Bolesta <carolynbolesta@yahoo.com>
Date: May 2, 2012 11:17:18 PM EDT
To: kasweet@cox.net
Subject: Bob and Carol Bolesta

Hey Karen, how are you? We were just wondering what was going on ? Bob has been sick , has lung cancer and on a bad chemo pill.. I have COPD and on oxygen at night.. Anyway, we are still kicking.. LOL Give Us a call and let us know how your Dad is and what is going on with the divorce.. Haven't seen Donna in the head lately, heard she moved, hope that means your Dad got his life back..:) We never hear anything from anybody around here much, when you are sick nobody wants to bother with you. Anyway, Tell your BOB and Ralph we said hello, does he have the trailer rented here in Coleman or does he bother with that (if he can) or not?? We have someone that would be good renters if he does.

I was riding my horse the other day (a while back) and saw where someone drove thru your house I didn't realize it was yours till some one told me, what was up with that?? Geez!!! Well, call when you have a minute, 813 391 9505 Bobs cell 352 330 5969 Home We miss you guys and hope all is well..We haven't been to any city council meetings in a good while, all new people there now too, which is good!! Love and hugs to all, Bob and Carol

From: ralphnsweet@gmail.com
Subject: Fwd: Coleman Property - Appears to be Abandoned by Donna
Date: 06/12/2012 01:52 PM
To: KevinSr@KevinESweet.net

----- Forwarded message -----

From: Barbara Boscana <bbboscana@yahoo.com>
Date: Mon, Jun 11, 2012 at 2:24 PM
Subject: Coleman Property - Appears to be Abandoned by Donna
To: "ralphnsweet@gmail.com" <ralphnsweet@gmail.com>

Ralph:

I live one house down from your Coleman property. I have noticed that for the past (4) months or so...I have not seen anybody come or go from your main home. There is no movement whatsoever. I realize you have (2) dogs there and never see them in the back fenced yard or being walked by Donna. Your home appears to be empty and susceptible to break-ins.

I believe the tenants have moved out of your rental home about (2) months ago. Not sure who may have inspected the property before they left the premises. The outside appears clean enough - not sure about the inside (electric off? A/C off? Mold build up? Mold in A/C unit build up? Dripping Water? Leaks? etc.). The rental is empty and susceptible to break-ins.

It appears that someone may come & mow both properties periodically, but no sign of actual weeding, mulching or trimming.

My concern is that your home and rental property has been abandoned by Donna - as there are no signs of activity at either place.

God Bless,

Barbara Boscana
PH: 352-399-2406 (after 8:00 pm eastern)







